

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

ELIZABETH A. MUSSER,

Plaintiff,

v.

CIVIL ACTION NO. 5:06-0142

JO ANNE B. BARNHART,  
Commissioner of the Social  
Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

By Interim Standing Order entered on September 20, 2005, and filed in this case on February 27, 2006, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and recommendation. Magistrate Judge VanDervort submitted his proposed findings and recommendation on June 8, 2006. In that Proposed Findings and Recommendation, the magistrate judge recommended that this court grant plaintiff's motion to voluntarily dismiss without prejudice and remove this case from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Thomas v. Arn, 474 U.S. 140 (1985);

Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **GRANTS** plaintiff's motion to voluntarily dismiss without prejudice (Doc. No. 10) and **DIRECTS** the Clerk to remove this matter from the court's active docket.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record.

IT IS SO ORDERED this 28th day of July, 2006.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Chief Judge